

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: S3/14/07 S3/19/07*

# A Bill

SENATE BILL 782

5 By: Senator Broadway  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ARKANSAS  
10 PUBLIC SCHOOL ACADEMIC FACILITIES PROGRAM; AND  
11 FOR OTHER PURPOSES.  
12

### Subtitle

14 TO MAKE VARIOUS AMENDMENTS TO THE  
15 ARKANSAS PUBLIC SCHOOL ACADEMIC  
16 FACILITIES PROGRAM.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 6-20-1406 is repealed.

22 ~~6-20-1406. Standards for school construction.~~

23 ~~(a) The State Board of Education shall establish reasonable minimum~~  
24 ~~standards for schoolhouse construction, and standards may be revised from~~  
25 ~~time to time as educational problems and methods of procedure develop and~~  
26 ~~change.~~

27 ~~(b) The standards shall include review and approval by all appropriate~~  
28 ~~and applicable state agencies, boards, and local officials for, including,~~  
29 ~~but not limited to, the following:~~

30 ~~(1) Plumbing Code, § 17-38-101 et seq., and Heating,~~  
31 ~~Ventilation, Air Conditioning, and Refrigeration (HVACR) Code, § 17-33-101 et~~  
32 ~~seq., compliance;~~

33 ~~(2) Fire Prevention Act, § 12-13-101 et seq., and Seismic Code,~~  
34 ~~§ 12-80-101 et seq., compliance;~~

35 ~~(3) Arkansas Building Authority adopted Americans with~~  
36 ~~Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A,~~



1 ~~compliance; and~~

2 ~~(4) Arkansas Architectural Act, § 17-15-101 et seq.,~~  
3 ~~Professional Engineers, § 17-30-101 et seq., and Public Works, § 22-9-101 et~~  
4 ~~seq., compliance.~~

5 ~~(e) As used in this section and in § 6-20-1407, "schoolhouse" means~~  
6 ~~any elementary or secondary school district facility that will be used for~~  
7 ~~administrative, educational, or physical education purposes.~~

8 ~~(d) This section shall be repealed as of the effective date of the~~  
9 ~~Public School Academic Facility Manual as adopted by the Commission for~~  
10 ~~Public School Academic Facilities and Transportation.~~

11  
12 SECTION 2. Arkansas Code § 6-20-1407 is amended to read as follows:  
13 6-20-1407. Approval of building plans.

14 (a) No new schoolhouse shall be built except in accordance with the  
15 plan finally approved by the Commission for Public School Academic Facilities  
16 and Transportation for all projects where the commission requires its  
17 approval.

18 (b) ~~When so required by the commission,~~ a A copy of approved plans and  
19 specifications of all new schoolhouses or additions shall be filed with and  
20 approved by the commission before construction shall be commenced.

21 (c) The approval process established by the commission shall include  
22 review and approval by all appropriate and applicable state agencies, boards,  
23 and local officials necessary to meet the standard contained in the Arkansas  
24 Public School Academic Facility Manual;

25 ~~(e)(1)(d)(1)~~ A copy of final construction documents shall be submitted  
26 to the Architectural Section of Arkansas Building Authority for review in  
27 regard to compliance with the Arkansas-adopted Accessibility Guidelines  
28 (ADAAG-Americans with Disabilities Act Accessibility Guidelines).

29 (2) All review comments received from the authority shall be in  
30 writing.

31 (3) Corrected construction documents shall be received and  
32 approved by the authority.

33 (4) No project shall be released for bidding or construction  
34 until the requirements of ~~§ 6-20-1406~~ and this section are met.

35 ~~(d)~~(e) Review and approval of plans under this section or otherwise  
36 shall not be a guarantee of state financial participation in any public

1 school academic facilities project.

2 (f)(1) As used in this subsection (f), a self-funded project is a  
 3 project that is one hundred percent (100%) funded by the school district.

4 (2) The project shall be approved upon compliance with state  
 5 codes and standards.

6 (3) A self-funded project may be submitted in the form of an  
 7 appendix to the existing district master plan at any time.

8

9 SECTION 3. Arkansas Code § 6-20-2503(a), concerning definitions of  
 10 terms for school district bonded indebtedness, is amended to read as follows:

11 6-20-2503. Bonded debt assistance.

12 (a) As used in this section:

13 (1) "Eligible school district" means a school district that  
 14 applied for bonded debt assistance under this section before July 1, 2005;

15 ~~(1)(2)~~ "Foundation funding" means an amount of money specified  
 16 by the General Assembly for each school year to be expended by school  
 17 districts for the provision of an adequate education for each student as that  
 18 amount is established in § 6-20-2305;

19 ~~(2)(3)~~ "Local revenue per student" means in each school year  
 20 ninety-eight percent (98%) of the amount of revenue available, whether or not  
 21 collected, in a school district solely from the levy of the uniform rate of  
 22 tax plus ~~seventy-five percent (75%) of the average miscellaneous funds~~  
 23 collected in the previous five (5) years or the previous year, whichever is  
 24 less, divided by the average daily membership of the school district;

25 ~~(3)(4)~~ "Miscellaneous funds" means those funds received by a  
 26 local school district from federal forest reserves, federal grazing rights,  
 27 federal mineral rights, federal impact aid, federal flood control, wildlife  
 28 refuge funds, severance taxes, funds received by the district in lieu of  
 29 taxes, and local sales and use taxes dedicated to education pursuant to §§  
 30 26-74-201 et seq., 26-74-301 et seq., 26-75-301 et seq., and 14-164-301 et  
 31 seq.; and

32 ~~(4)(5)~~ "State wealth index" means the result of one (1) minus  
 33 the ratio of local revenue per student divided by the difference between  
 34 foundation funding and local revenue per student.

35

36 SECTION 4. Arkansas Code § 6-20-2503(b)(3)(A) is amended to read as

1 follows:

2 (3)(A) The Commission for Arkansas Public School Academic  
3 Facilities and Transportation shall determine the amount of financial  
4 assistance for each eligible school district as follows:

5 (i)(a) For the year that financial assistance under  
6 this section will be provided, ascertain the scheduled debt payment on a  
7 fiscal year basis from the principal and interest payment schedule in effect  
8 and on file with the department on January 1, 2005, and reduce the amount of  
9 the payment by ten percent (10%) except as provided in subdivision  
10 (b)(3)(A)(i)(b) of this section.

11 (b)(1) If a school district can demonstrate to  
12 the satisfaction of the commission that all or a portion of the ten percent  
13 (10%) reduction in its scheduled debt payment under subdivision  
14 (b)(3)(A)(i)(a) of this section can be attributed to the support of academic  
15 facilities, the commission shall reverse all or a portion of the ten percent  
16 (10%) reduction by a percentage proportionate to the amount attributable to  
17 academic facilities.

18 (2) A school district that applied to  
19 the commission during the 2006-2007 school year for a reversal of the ten  
20 percent (10%) reduction but was denied the reversal by the commission due to  
21 the failure of the school district to submit timely appeals shall be entitled  
22 to receive bonded debt assistance for the relevant period of the program  
23 beginning with the 2007-2008 school year in the amount approved by the  
24 Academic Facilities Division;

25 (ii) For the year that financial assistance will be  
26 provided, divide the scheduled debt payment as adjusted under subdivision  
27 (b)(3)(A)(i) by the total assessed valuation of taxable real, personal, and  
28 utility property in the school district as shown by the applicable county  
29 assessment for the most recent year with the result multiplied by one  
30 thousand (1,000);

31 (iii)(a) Multiply the calculation under subdivision  
32 (b)(3)(A)(ii) of this section by a funding factor per average daily  
33 membership that will distribute a total amount of state financial assistance  
34 no less than the total amount of funds that would have been distributed  
35 during fiscal year 2005 if every school district in the state had received an  
36 amount of state financial assistance equal to an amount calculated by

1 applying the debt service funding supplement formula under the Supplemental  
2 School District Funding Act of 2003, § 6-20-2401 et seq., during fiscal year  
3 2005 with a funding factor of eighteen dollars three cents (\$18.03).

4 (b) The funding factor for each fiscal year  
5 after Fiscal Year 2006 shall be equal to the funding factor derived for  
6 Fiscal Year 2006 under subdivision (b)(3)(A)(iii)(a) of this section; and

7 (iv) Multiply the calculation under subdivision  
8 (b)(3)(A)(iii) of this section by the state wealth index.

9  
10 SECTION 5. Arkansas Code § 6-20-2503, concerning school district  
11 bonded debt assistance, is amended to add an additional subsection to read as  
12 follows:

13 (g)(1)(A) Within thirty (30) days after the satisfaction of a school  
14 district's outstanding bonded indebtedness in existence as of January 1,  
15 2005, the school district shall notify the department that the school  
16 district's outstanding bonded indebtedness in existence as of January 1,  
17 2005, has been satisfied, which shall include defeasance.

18 (B) If a school district has issued refunding bonds to  
19 refund bonds in existence as of January 1, 2005, the school district shall  
20 notify the department of the date that the school district's outstanding  
21 bonded indebtedness in existence as of January 1, 2005, would have been  
22 satisfied had the bonds not been refunded.

23 (2)(A) Within thirty (30) days after receiving notification  
24 under subdivision (g)(1)(A) of this section, the department shall certify to  
25 the commission that all school district outstanding bonded indebtedness in  
26 existence as of January 1, 2005, has been satisfied.

27 (B) Upon acceptance by the commission of the department's  
28 certification, state financial participation under this section shall expire.

29  
30 SECTION 6. Arkansas Code § 6-20-2504, concerning the Academic  
31 Facilities Immediate Repair Program, is amended to add an additional  
32 subsection to read as follows:

33 (h)(1) Within thirty (30) days after the completion of all approved  
34 immediate repair projects, the division shall certify to the commission that  
35 all approved immediate repair projects have been completed and all approved  
36 state financial participation under this section has been distributed.

1           (2) Upon acceptance by the commission of the division's  
2 certification, the Academic Facilities Immediate Repair Program shall expire.

3           (3) An approved project that is not verified as being complete  
4 by January 1, 2008, shall be declared canceled by the commission and program  
5 funds shall be reallocated as the commission directs.

6  
7           SECTION 7. Arkansas Code § 6-20-2505(b), concerning the time limit for  
8 school districts to apply for support in the purchase of academic equipment,  
9 is amended to read as follows:

10           (b) A school district may apply for state financial participation to  
11 support the purchase of academic equipment if:

12           (1) The school district's application is received by the  
13 division no later than July 1, 2005;

14           (2) The need for the academic equipment was in existence on  
15 January 1, 2005; and

16           (3) The academic equipment supports an adequate education as  
17 described in § 6-20-2302.

18  
19           SECTION 8. Arkansas Code § 6-20-2506, concerning the Transitional  
20 Academic Facilities Program, is amended to add an additional subsection to  
21 read as follows:

22           (g)(1) Within thirty (30) days after the completion of all projects  
23 approved under this section, the division shall certify to the commission  
24 that all projects approved under this section have been completed and all  
25 state financial participation approved under this section has been  
26 distributed.

27           (2) Upon acceptance by the commission of the division's  
28 certification, the Transitional Academic Facilities Program shall expire.

29           (3) An approved project that is not verified as being complete  
30 by July 1, 2009, shall be declared canceled by the commission and program  
31 funds shall be reallocated as the commission directs.

32  
33           SECTION 9. Arkansas Code § 6-20-2507(b), concerning state financial  
34 participation in new academic facility construction, is amended to read as  
35 follows:

36           ***(b)(1) In order to apply for state financial participation in a new***

1 construction project, a school district shall provide the division with a  
2 ~~copy of the design plans~~ detailed narrative, description, and justification  
3 for the project and evidence of:

4 ~~(1)(A)~~ Preparation for the new construction project as  
5 demonstrated by inclusion of the new construction project in the school  
6 district's facilities master plan;

7 ~~(2)(A)(B)(i)~~ The adoption of a resolution certifying to the  
8 division the school district's dedication of local resources to meet the  
9 school district's share of financial participation in the new construction  
10 project.

11 ~~(B)(ii)~~ The resolution shall specify the approximate date  
12 that the board of directors of the school district intends to seek elector  
13 approval of any bond or tax measures or to apply other local resources to pay  
14 the school district's share of financial participation in the new  
15 construction project;

16 ~~(3)(C)(i)~~ The total estimated cost of the new construction  
17 project that shall be a minimum of three hundred dollars (\$300) per student  
18 or one hundred fifty thousand dollars (\$150,000) whichever is less.

19 (ii) The minimum requirement set forth in subdivision  
20 (b)(3)(A) of this section may be waived by the division upon a recommendation  
21 being made by the Director of the Division of Public School Academic  
22 Facilities and Transportation to the Commissioners for the Division of Public  
23 School Academic Facilities and Transportation for the minimum to be waived  
24 for cause and a majority of the commission votes to support the waiver;

25 ~~(4)(D)~~ The new construction project's conformance with sound  
26 educational practices;

27 ~~(5)(E)~~ The new construction project's compliance with current  
28 academic facilities standards, including, without limitation, appropriate  
29 space utilization of ~~existing academic facilities~~ the applicable school in  
30 the district as determined by the division;

31 ~~(6)(F)~~ The allocation of project costs between new construction  
32 activities and maintenance, repair, and renovation activities if the new  
33 construction project includes improvements that could be classified as  
34 maintenance, repair, and renovation; and

35 ~~(7)(G)~~ How the new construction project supports the prudent and  
36 resourceful expenditure of state funds and improves the school district's

1 ability to deliver an adequate and equitable education to public school  
2 students in the district.

3 (2)(A) The life-cycles requirement contained in the state  
4 facility assessment of 2004 are advisory only and shall not be sufficient to  
5 support the approval of those items in the list of approved projects or  
6 individual items within a project.

7 (B) The division shall require independent proof of the  
8 failure of the equipment or other item.

9  
10 SECTION 10. Arkansas Code § 6-20-2507(d)(1), concerning state  
11 financial participation in new academic facility construction, is amended to  
12 read as follows:

13 (d)(1) State financial participation under the program is not  
14 available until July 1, 2006. ~~The division shall give priority in state~~  
15 ~~financial participation to school district proposals relating to academic~~  
16 ~~facilities with the highest facilities condition index.~~

17  
18 SECTION 11. Arkansas Code § 6-20-2507(f), concerning certification of  
19 amounts of state financial participation in new academic facility  
20 construction, is amended to read as follows:

21 (f)(1)(A) If a school district qualifies for state financial  
22 participation under this section, the division shall certify the amount of  
23 state financial participation to the Commission for Arkansas Public School  
24 Academic Facilities and Transportation for oversight purposes.

25 (B) The amount of state financial participation under this  
26 section is limited to the amount resulting from the application of the  
27 academic facilities wealth index to the project cost promulgated by the  
28 commission to calculate the cost necessary to bring the academic facility  
29 into compliance with the Arkansas Public School Academic Facility Manual  
30 under § 6-20-2509.

31 ~~(B)(2)(A)~~ The commission shall certify the amount to the  
32 Department of Education for payment.

33 ~~(2)(B)~~ For tracking purposes, the school district shall  
34 account for the funds received as state financial participation under this  
35 section as restricted funds and shall account for the funds in accordance  
36 with provisions of law, including, without limitation, the Arkansas



1 Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et  
2 seq., and rules established by the State Board of Education and the  
3 commission.

4  
5 SECTION 12. Arkansas Code § 6-20-2508(c), concerning the application  
6 for the academic facilities catastrophic program, is amended to read as  
7 follows:

8 (c) As part of its application for state financial participation in a  
9 catastrophic project, the school district shall provide the division with  
10 evidence of:

11 (1) The estimated cost of the project;

12 (2) The availability of insurance and any other public or  
13 private emergency assistance to pay for the project; ~~and~~

14 (3) How the catastrophic project supports the prudent and  
15 resourceful expenditure of state funds and improves the school district's  
16 ability to deliver an adequate and equitable education to public school  
17 students in the district; and

18 (4) Proof of full replacement value insurance to include a  
19 provision requiring code upgrades.

20  
21 SECTION 13. Arkansas Code § 6-20-2508(e), concerning the academic  
22 facilities catastrophic program, is amended to read as follows:

23 (e)(1)(A) *If a school district qualifies for state financial*  
24 *participation under this section, the division shall certify the amount of*  
25 *state financial participation to the Commission for Arkansas Public School*  
26 *Academic Facilities and Transportation ~~for oversight purposes.~~*

27 (B) The amount of state financial participation under this  
28 section shall not exceed the amount resulting from the application of the  
29 academic facilities wealth index to the cost necessary to bring the academic  
30 facility into compliance with the Arkansas Public School Academic Facility  
31 Manual, less any withholding or reduction imposed by the commission under §  
32 6-21-114(d) for a school district's failure to comply with the commission's  
33 insurance requirements, including without limitation, the failure to carry  
34 replacement cost coverage, if applicable, on all buildings and facilities.

35 ~~(B)(2)(A)~~ *The commission shall certify the amount to the*  
36 *Department of Education for payment.*

1                   ~~(2)~~(B) For tracking purposes, the school district shall  
2 account for the funds received as a state financial participation under this  
3 section as restricted funds and shall account for the funds in accordance  
4 with provisions of law, including, without limitation, the Arkansas  
5 Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et  
6 seq., and rules established by the State Board of Education and the  
7 commission.

8  
9           SECTION 14. Arkansas Code § 6-20-2509(a)(1), concerning cost  
10 guidelines for new construction of academic facilities, is amended to read as  
11 follows:

12           6-20-2509. Project cost guidelines.

13           (a)(1) The Division of Public School Academic Facilities and  
14 Transportation shall establish formulas that shall be updated annually by the  
15 fourth quarter of the calendar year for determining the basic project cost  
16 per ~~student~~ square foot for various types of new construction projects,  
17 including, without limitation:

18                   (A) New academic facilities;

19                   (B) Additions to existing academic facilities; and

20                   (C) Major improvements to academic facilities that bring  
21 the state of condition or efficiency of the academic facility to a state of  
22 condition or efficiency better than the facility's original condition of  
23 completeness or efficiency.

24  
25           SECTION 15. Arkansas Code Title 6, Chapter 20, Subchapter 25 is  
26 amended to add an additional section to read as follows:

27           6-20-2515. Review conferences.

28           (a) After February 1, 2008, a district may request and be granted by  
29 the division a review conference that shall be held within twenty (20)  
30 working days after the date of request.

31           (b) The district may be advised through the review conference process  
32 by an architectural and engineering firm if the school district pays the cost  
33 of the advice from the architectural and engineering firm.

34           (c) The review conference shall consider the following:

35                   (1) That the proposed project is academic;

36                   (2) The application of the space calculation to the project

1 agreed upon by the district and the division;

2 (3) The wealth index of the district and the date at which the  
3 wealth index will be applied to the partnership project if approved;

4 (4) The project cost promulgated by the commission under § 6-20-  
5 2509, for the project and the date on which the project cost data will be  
6 applied to the partnership project if approved; and

7 (5) A projected amount of state funding based on current  
8 application of the wealth index and the project cost promulgated by the  
9 commission under § 6-20-2509, to the planned project for planning purposes to  
10 allow a projection of local funding share required.

11 (d) The division shall make a record of the findings of the review  
12 conference.

13  
14 SECTION 16. Arkansas Code § 6-21-112(f), concerning the  
15 responsibilities of the Division of Public School Academic Facilities and  
16 Transportation, is amended to read as follows:

17 (f) The division shall:

18 (1) Provide information or assistance to the Academic Facilities  
19 Oversight Committee as requested;

20 (2) Use any recommendation or assessments of the oversight  
21 committee or the General Assembly as a basis for establishing the policies  
22 and procedures of the division;

23 (3) Develop and implement the Arkansas Public School Academic  
24 Facilities Program Act as established in § 6-21-801 et seq.;

25 (4) Administer the various programs of state financial  
26 participation in support of local academic facilities;

27 (5) Develop and implement an ongoing uniform process for  
28 collecting, inventorying, and updating information on the state of condition  
29 of all public school academic facilities in the state;

30 (6) Develop a facility cost index that provides a methodology  
31 for comparing the cost of repairing the condition of a public school academic  
32 facility to the cost of replacing the public school academic facility with a  
33 facility containing the same amount of square footage;

34 (7) Conduct unannounced random on-site inspections of public  
35 school academic facilities;

36 (8) ~~Develop~~ Enforce through planning minimum standards for

1 accessibility to public school academic facilities and programs for  
2 individuals with disabilities;

3 (9) Develop guidelines for competitive bidding, competitive  
4 negotiation, and other methods of procurement for public school academic  
5 facilities projects;

6 (10) Develop incentive programs to reward school districts for  
7 innovative, effective, and efficient use of local and state resources with  
8 regard to public school academic facilities;

9 (11) Administer the school transportation program in the various  
10 school districts of Arkansas, including, without limitation, the training of  
11 school bus drivers and inspection of buses or other vehicles used in  
12 transporting public school students;

13 (12) Keep records showing a description of each school district  
14 in the state, a map showing the school districts with current and accurate  
15 boundaries, the location of the academic facilities, and the electoral zones,  
16 if any, into which each school district has been divided;

17 (13) Report by October 1 of each year to the Governor, the House  
18 Committee on Education, the Senate Committee on Education, and the Academic  
19 Facilities Oversight Committee on the state of condition of academic  
20 facilities statewide using the following building and design systems:

21 (A)(i) Site land and all improvements to the site, such as  
22 grading, drainage, drives, parking areas, walks, landscaping, and  
23 playgrounds.

24 (ii) Site improvements shall not include permanent  
25 or temporary buildings;

26 (B) Roofing;

27 (C) Exterior;

28 (D) Structure;

29 (E) Interior;

30 (F) Heating, ventilation, and air conditioning;

31 (G) Plumbing and water supply;

32 (H) Electrical;

33 (I) Technology;

34 (J) Fire and safety;

35 (K) Specialty items, including equipment and furnishings;

36 and

- 1 (L) Space utilization;
- 2 (14) Report by October 1 of each even-numbered year to the
- 3 Governor, the House Committee on Education, the Senate Committee on
- 4 Education, and the Academic Facilities Oversight Committee on the state
- 5 academic facilities master plan; ~~and~~
- 6 (15) Maintain a public access website dedicated to public school
- 7 academic facilities; and
- 8 (16) Develop and implement a state-wide facilities needs
- 9 priority list that provides a methodology for:
- 10 (A) Prioritization of state school district facility
- 11 needs; and
- 12 (B) Comparing the school district advancement of improving
- 13 facility conditions with school district master plans.

14

15 SECTION 16. Arkansas Code § 6-21-806(a) and(b), concerning the

16 Academic Facilities Master Plan Program, are amended to read as follows:

17 (a) The Academic Facilities Master Plan Program shall require each

18 school district to:

19 (1) Develop a ten-year districtwide facilities master plan that

20 shall be approved by the school district's board of directors for submission

21 to and approval by the Division of Public School Academic Facilities and

22 Transportation;

23 (2) Base its facilities master plan on the provisions of the

24 Public School Academic Facility Manual as adopted by the Commission for

25 Public School Academic Facilities and Transportation and on priorities

26 indicated by statewide assessment, on priorities established by the division

27 statewide facility needs priority list, and other pertinent data specific to

28 the needs of the school district with regard to academic facilities and

29 equipment;

30 (3) Present a draft of the school district's facilities master

31 plan in a public hearing in the same locality as the school district and take

32 public comments;

33 (4) Submit evidence of the school district's insurance coverage

34 to the division by July 1, ~~2006~~ of each even numbered year, including

35 coverage amounts, types of coverage, identification of buildings covered,

36 policy renewal dates, and all riders;

1 (5) Submit the school district's facilities master plan with a  
2 summary of comments made at public hearing to the division by February 1 of  
3 each even-numbered year; and

4 (6) Submit a report to the division by February 1 of each odd-  
5 numbered year that includes a description of all projects completed in the  
6 school district since the submission of the school district's most recent  
7 facilities master plan, the school district's current enrollment projections,  
8 new or continuing needs of the school district with regard to academic  
9 facilities and equipment, and an accounting of any changes in the school  
10 district's insurance coverage from the most recent submission.

11 (b) A facilities master plan shall include, at a minimum, the  
12 following:

13 (1) A schedule of custodial activities for each public school  
14 facility used by a school district;

15 (2) A schedule of maintenance, repair, and renovation activities  
16 for each public school facility used by a school district. The schedule shall  
17 distinguish between work associated with academic facilities and work  
18 associated with nonacademic public school facilities;

19 (3) Documentation that describes preventive maintenance work for  
20 each public school facility and identifies the completion date of the work.  
21 The documentation shall distinguish between preventive maintenance work  
22 associated with academic facilities and preventive maintenance work  
23 associated with nonacademic public school facilities;

24 (4)(A) Annual expenditures of the school district for all  
25 custodial, maintenance, repair, and renovation activities in the school  
26 district.

27 (B) The section of the facilities master plan pertaining  
28 to the annual expenditures under subdivision (b)(4) of this section shall  
29 distinguish between expenditures associated with academic facilities and  
30 expenditures associated with nonacademic public school facilities;

31 (5) A projected replacement schedule for major building systems  
32 in each academic public school facility;

33 ~~(6) The school district's plan for caring for and maintaining~~  
34 ~~technology systems, instructional materials, and related academic equipment~~  
35 ~~in each academic facility;~~

36 ~~(7) A projected replacement schedule for technology systems,~~

1 ~~instructional materials, and related academic equipment;~~

2 ~~(8)(6)~~ Identification of issues with regard to public school  
3 facility and program access to individuals with disabilities and, if  
4 necessary, proposed methods for improving access;

5 ~~(9)(A)(7)(A)~~ Identification of committed projects within the  
6 school district that includes, as applicable, a breakdown of the portion of  
7 each project into maintenance, repair, and renovation activities and new  
8 construction activities.

9 (B) The portion of a committed project pertaining to  
10 maintenance, repair, and renovation activities shall identify, as applicable,  
11 maintenance, repair, and renovation activities associated with academic  
12 facilities and maintenance, repair, and renovation activities associated with  
13 nonacademic public school facilities;

14 ~~(10)(8)~~ Annual expenditures of the school district for capital  
15 outlay;

16 ~~(11)(9)~~ A description of planned new construction projects with  
17 cost estimates for each public school facility within the school district and  
18 needs prioritized as follows:

19 (A) Immediate needs that the school district intends to  
20 address within three (3) years following the submission of the facilities  
21 master plan;

22 (B) Short-term needs that the school district intends to  
23 address within the four (4) to six (6) years following the submission of the  
24 facilities master plan; and

25 (C) Long-term needs that the school district intends to  
26 address within the seven (7) to ten (10) years following the submission of  
27 the facilities master plan;

28 ~~(12)(10)~~ Evidence of the school district's insurance coverage,  
29 including coverage amounts, types of coverage, identification of public  
30 school facilities covered, policy renewal dates, and all riders.

31  
32 SECTION 17. Arkansas Code § 6-21-806, concerning the Academic  
33 Facilities Master Plan Program *school district* plan requirements, is amended  
34 to add an additional subsection to read as follows:

35 (e)(1) A school district may amend its facilities master plans at any  
36 time during the ten-year cycle specified in § 6-21-803.

1           (2) An amendment may be submitted out of the regular even-year  
 2 cycle if the district:

3           (A) Has encountered:

4                   (i) A major enrollment change;

5                   (ii) A major curriculum change;

6                   (iii) A major disaster; or

7                   (iv) An unforeseen occurrence; or

8           (B)(i) Has begun or completed a self-funded construction  
 9 project over which the Division of Public School Academic Facilities and  
 10 Transportation has only review authority.

11                   (ii) An amendment submitted under subdivision  
 12 (c)(2)(B)(i) of this section may be submitted in the form of an appendix to  
 13 the existing district master plan.

14  
 15           SECTION 18. Arkansas Code § 6-21-811(a), concerning the Academic  
 16 Facilities Distress Program. is amended to read as follows:

17           (a) The Division of Public School Academic Facilities and  
 18 Transportation shall identify a public school or school district as being in  
 19 academic facilities distress if the division determines that the public  
 20 school or school district has engaged in actions or inactions that result in  
 21 any of the following:

22                   (1) Any act or violation determined by the division to  
 23 jeopardize any academic facility used by a public school or school district,  
 24 including, but not limited to:

25                           (A) Material failure to properly maintain academic  
 26 facilities in accordance with this subchapter and rules adopted by the  
 27 Commission for Public School Academic Facilities and Transportation;

28                           (B) Material violation of local, state, or federal fire,  
 29 health, or safety code provisions or laws;

30                           (C) Material violation of applicable building code  
 31 provisions or law;

32                           (D) Material failure to provide timely and accurate  
 33 facilities master plans to the division;

34                           (E) Material failure to comply with state law governing  
 35 purchasing or bid requirements in relation to academic facilities projects;

36



1 (F) Material default on any school district debt  
2 obligation; or

3 (G) Material failure to plan and progress satisfactorily  
4 toward accomplishing the priorities established by the division and the  
5 approved school district master plans; or

6 (2) Any other condition of an academic facility or facilities in  
7 a public school or school district that is determined by the division to have  
8 a detrimental impact on educational services provided by that public school  
9 or school district.

10  
11 /s/ Broadway  
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